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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

Rapporteur: Ms. Anzhela **Korneliouk** (Belarus)

I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled "Human rights questions: human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee held a substantive debate on sub-item (c) jointly with sub-items (b), (d) and (e) at its 33rd to 44th meetings, from 24 to 27 and on 30 October and on 1 and 2 November 2000, and took up proposals relating to sub-item (c) at its 50th, 52nd, 53rd and 55th meetings from 7 to 10 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/55/SR.33-44, 50, 52, 53 and 55).

3. For the documents before the Committee under this sub-item, see document A/55/602.

4. At the 33rd meeting, on 24 October, the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/55/SR.33).

5. At the same meeting, the Committee engaged in a dialogue with the High Commissioner, in which the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union), Iraq, the Libyan Arab Jamahiriya, the Russian Federation, Chile, Australia, Cuba and Cameroon, as well as the observer for Palestine took part (see A/C.3/55/SR.33).

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6. Also at the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Afghanistan, France (on behalf of the States Members of the United Nations that are members of the European Union) and the Russian Federation took part. (See A/C.3/55/SR.33.)

7. At the 34th meeting, on 25 October, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan made an introductory statement (see A/C.3/55/SR 34). At the 34th and 35th meetings, on 25 October, the Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of the Sudan, the Libyan Arab Jamahiriya, Egypt, Cuba and China took part (see A/C.3/55/SR.34 and 35).

8. At the 35th meeting, on 25 October, the independent expert of the Commission on Human Rights on the situation of human rights in Haiti made an introductory statement, after which the representative of Haiti made a statement (see A/C.3/55/SR.35).

9. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of the Democratic Republic of the Congo, Uganda, Rwanda, France (on behalf of the States Members of the United Nations that are members of the European Union), Burundi, Namibia and the Sudan took part. (See A/C.3/55/SR.35.)

10. Also at the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq made an introductory statement (see A/C.3/55/SR.35). At the 35th and 36th meetings, on 26 October, the Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Iraq, France (on behalf of the States Members of the United Nations that are members of the European Union), the Russian Federation, Kuwait and the Libyan Arab Jamahiriya took part (see A/C.3/55/SR.35 and 36).

11. At the 36th meeting, on 26 October, the Director of the New York Office of the United Nations High Commissioner for Human Rights made a statement in which he introduced the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, after which the representative of Myanmar made a statement (see A/C.3/55/SR.36).

12. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi made an introductory statement, after which the representative of Burundi made a statement (see A/C.3/55/SR.36).

13. At the 38th meeting, on 27 October, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia made an introductory statement. The Committee engaged in a dialogue with the Special rapporteur, in which the representatives of Bulgaria, Croatia, the Russian Federation and the United States of America took part. (See A/C.3/55/SR.38.)

14. At the 42nd meeting, on 1 November, the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic

Republic of Iran made an introductory statement. The Committee engaged in a dialogue with the Special Representative, in which the representatives of the Islamic Republic of Iran, Israel, the Libyan Arab Jamahiriya and China took part. (See A/C.3/55/SR.42.)

15. At the same meeting, the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda made an introductory statement. The Committee engaged in a dialogue with the Special Representative, in which the representatives of Rwanda, the Democratic Republic of the Congo and the Libyan Arab Jamahiriya took part (See A/C.3/55/SR.42.)

II. Consideration of proposals

A. Draft resolution A/C.3/55/L.38

16. At the 50th meeting, on 7 November, the representative of Sweden, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Chile, Costa Rica, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Monaco, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/55/L.38). Subsequently, Albania, Canada, Denmark, Ireland, Liechtenstein, Malta, the Netherlands and Slovenia joined in sponsoring the draft resolution.

17. In introducing the draft resolution, the representative of Sweden orally corrected operative paragraph 10 by replacing the words "or to implement any of the three recommendations" with the words "and to meet all three recommendations".

18. At its 52nd meeting, on 8 November, the Committee adopted draft resolution A/C.3/55/L.38, as orally corrected, without a vote (see para. 49, draft resolution I).

19. Before the adoption of the draft resolution, a statement was made by the representative of Myanmar; after the adoption of the draft resolution, a statement was made by the representative of Japan (see A/C.3/55/SR.52).

B. Draft resolution A/C.3/55/L.42/Rev.2

20. At the 53rd meeting, on 9 November, the representative of the United States of America, on behalf of Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Jordan, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in parts of South-eastern Europe" (A/C.3/55/L.42/Rev.2). Subsequently, Albania, Iceland, Israel, Latvia and Lithuania joined in sponsoring the draft resolution.

21. At the 55th meeting, on 10 November, the representative of the United States of America orally revised and divided the second preambular paragraph, which read:

"*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, the 1951 Convention relating to the Status of Refugees, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto, of 1997, and the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe",

so that it read:

"*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, the 1951 Convention relating to the Status of Refugees, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto, of 1997,

"*Taking note* of the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe".

22. At the same meeting, the Committee adopted draft resolution A/C.3/55/L.42/Rev.2, as orally revised, without a vote (see para. 49, draft resolution II).

23. Before the adoption of the draft resolution, the representative of Yugoslavia made a statement; after the adoption of the draft resolution, statements were made by the representatives of the Russian Federation, Croatia, Venezuela, the Libyan Arab Jamahiriya, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia (see A/C.3/55/SR.55).

C. Draft resolution A/C.3/55/L.49

24. At the 52nd meeting, on 8 November, the representative of France, on behalf of Andorra, Austria, Belgium, Bulgaria, Canada, Costa Rica, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Poland, Portugal, San Marino, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/55/L.49). Subsequently, Australia and Norway joined in sponsoring the draft resolution.

25. At the 53rd meeting, on 9 November, the representative of France orally corrected the draft resolution as follows:

(a) In operative paragraph 3 (a), the words "no invitation has been extended" were replaced by the words "no invitation has yet been extended";

(b) In operative paragraph 3 (b), the words "censorship of publications" were replaced by the words "prohibition of publications";

(c) In operative paragraph 4 (a), the words "Special Representative" were replaced by the words "Special Rapporteur on religious intolerance".

26. At the same meeting, the Committee adopted draft resolution A/C.3/55/L.49, as orally corrected, by a recorded vote of 58 to 53, with 48 abstentions (see para. 49, draft resolution III). The voting was as follows:

In favour:

Andorra, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Saint Vincent and the Grenadines, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Swaziland, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Gambia, Ghana, Guyana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Argentina, Bolivia, Botswana, Brazil, Cameroon, Cape Verde, Chile, Colombia, Croatia, Cyprus, Dominican Republic, Ethiopia, Georgia, Guinea, Haiti, Jamaica, Kenya, Lesotho, Madagascar, Mali, Mauritius, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Republic of Korea, Republic of Moldova, Rwanda, Saint Lucia, Singapore, South Africa, Thailand, the former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Arab Emirates, Uruguay, Vanuatu, Zambia.

27. Before the adoption of the draft resolution, a statement was made by the representative of Yemen; and statements in explanation of vote were made by the representatives of the Sudan, the Islamic Republic of Iran, China, Algeria and Pakistan. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Japan, Chile, the Philippines, Thailand, Brazil, Guinea and the Libyan Arab Jamahiriya. (See A/C.3/55/SR.53.)

D. Draft resolution A/C.3/55/L.50

28. At the 52nd meeting, on 8 November, the representative of France, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, San Marino, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern

Ireland, introduced a draft resolution entitled "Human rights situation in Iraq" (A/C.3/55/L.50). Subsequently, Kuwait and the United States of America joined in sponsoring the draft resolution.

29. At its 53rd meeting, on 9 November, the Committee adopted draft resolution A/C.3/55/L.50 by a recorded vote of 89 to 2, with 56 abstentions (see para. 49, draft resolution IV). The voting was as follows:

In favour:

Andorra, Angola, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Libyan Arab Jamahiriya, Sudan.

Abstaining:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Egypt, Fiji, Gambia, Ghana, Guinea, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Pakistan, Papua New Guinea, Philippines, Russian Federation, Rwanda, Saint Lucia, Sierra Leone, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam.

30. Before the adoption of the draft resolution, a statement was made by the representative of Iraq (see A/C.3/55/SR.53).

31. Before the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the Sudan and Egypt; after the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the Syrian Arab Republic, the Philippines, the Russian Federation, the Libyan Arab Jamahiriya and the Sudan (see A/C.3/55/SR.53).

E. Draft resolution A/C.3/55/L.51/Rev.1

32. At the 53rd meeting, on 9 November, the representative of France, on behalf of Andorra, Argentina, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia,

Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in the Sudan" (A/C.3/55/L.51/Rev.1). Subsequently, Australia and New Zealand joined in sponsoring the draft resolution.

33. At the 55th meeting, on 10 November, the representative of France orally revised the draft resolution as follows:

(a) In operative paragraph 1 (f), the words "by the Government of the Sudan" was inserted after the word "efforts";

(b) In operative paragraph 1 (i), the word "renewed" was inserted before the word "invitation"; and the words "and the efforts of the Government of the Sudan to promulgate a new law on religious liberties and activities after an open and transparent process of consultation with high representatives of all religions" were inserted at the end of the paragraph;

(c) Operative paragraph 1 (n), which read:

"(a) The undertakings by the Government of the Sudan at the International Conference on War-Affected Children, held in Winnipeg, Canada, from 10 to 17 September 2000",

was replaced by:

"(a) The convening and the final communiqué of the fourth meeting of the Technical Committee on Humanitarian Assistance at Geneva on 2 and 3 November 2000, attended by delegations of the Government of the Sudan, SPLA/M and the United Nations";

(d) In operative paragraph 2 (a) (ii), the words "of populations" were inserted after the word "displacement";

(e) In operative paragraph 2 (a) (iv), the words "including during the days of tranquillity which had been agreed for the purpose of ensuring a peaceful polio vaccination campaign" were deleted after the words "bombings of schools and hospitals";

(f) Operative paragraph 2 (a) (vi), which read "The forced displacements of populations", was deleted;

(g) In operative paragraph 2 (a) (viii) (now (vii)), the word "daily" was deleted before the word "harassment";

(h) In operative paragraph 2 (b) (iii), the words "pending the promulgation by the Government of the Sudan of a new law on religious liberties and activities after an open and transparent process of consultation of high representatives of all religions" were deleted after the words "freedom of religion";

(i) In operative paragraph 3 (c), the words "in particular by SPLA/M" were inserted after the word "landmines";

(j) In operative paragraph 3 (d), the words "and during the days of tranquillity which had been agreed for the purpose of ensuring peaceful polio vaccination campaigns" were inserted at the end of the paragraph;

(k) In operative paragraph 3 (e), the words "in particular by SPLA/M" were inserted after the words "military purposes";

(l) In operative paragraph 3 (f), the words "in conformity with international humanitarian law" were inserted after the words "humanitarian assistance"; and the words "the Blue Nile State" were replaced by the words "areas in need throughout the country";

(m) In operative paragraph 4 (d), the words "to put an end to the climate of impunity" at the end of the paragraph were deleted;

(n) In operative paragraph 4 (e), the word "ratify" was replaced by the words "seriously consider ratifying, as a matter of priority";

(o) In operative paragraph 4 (g), the words "and not cooperating with the efforts of CEAWC in addressing and preventing those activities" were inserted after the words "participating in such activities";

(p) In operative paragraph 4 (i), the word "growing" was inserted before the word "problem" and the word "access" was replaced by the word "right";

(q) Operative paragraph 4 (l), which read:

"(l) To raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child",

was deleted;

(r) In operative paragraph 4 (m), (now (l)), the words "to give special consideration to imprisoned women and juveniles" were replaced by the words "to raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child".

34. At the same meeting, statements were made by the representatives of the Sudan and the United States of America (see A/C.3/55/SR.55).

35. Also at the same meeting, the Committee adopted draft resolution A/C.3/55/L.51/Rev.1, as orally revised, by a recorded vote of 75 to 30, with 45 abstentions (see para. 49, draft resolution V). The voting was as follows:

In favour:

Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yugoslavia, Zimbabwe.

Against:

Algeria, Bahrain, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Morocco, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Togo, Tunisia, United Arab Emirates, Viet Nam.

Abstaining:

Azerbaijan, Bangladesh, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Côte d'Ivoire, Ethiopia, Fiji, Gambia, Georgia, Ghana, Guinea, Honduras, Jamaica, Kenya, Lesotho, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Micronesia (Federated States of), Mozambique, Nepal, Nigeria, Papua New Guinea, Philippines, Russian Federation, Rwanda, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Thailand, Uganda, Ukraine, United Republic of Tanzania, United States of America, Zambia.

36. Before the adoption of the draft resolution, a statement was made by the representative of Canada; after the adoption of the draft resolution, a statement was made by the representative of France (see A/C.3/55/SR.55).

37. Before the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the United States of America and the Sudan; after the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Bangladesh, Thailand and the Libyan Arab Jamahiriya (see A/C.3/55/SR.55).

F. Draft resolution A/C.3/55/L.62/Rev.1

38. At the 53rd meeting, on 9 November, the representative of France, on behalf of Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in the Democratic Republic of the Congo (A/C.3/55/L.62/Rev.1). Subsequently, Australia joined in sponsoring the revised draft resolution.

39. At the 55th meeting, on 10 November, the representative of France orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, the word "all" was deleted before the word "parties"; and the words "as mentioned in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo" were inserted after the word "conflict";

(b) In operative paragraph 1 (b), the words "of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo" were inserted after the words "Special Rapporteur";

(c) In operative paragraph 4 (f), the words "and their activities" were inserted after the words "political parties".

40. At the same meeting, the Committee adopted draft resolution A/C.3/55/L.62/Rev.1, as orally revised, by a recorded vote of 94 to 4, with 55 abstentions (see para. 49, draft resolution VI). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Brazil, Bulgaria, Canada, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against:

Rwanda, Sudan, Syrian Arab Republic, Uganda.

Abstaining:

Algeria, Angola, Bahrain, Bangladesh, Bhutan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Ghana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Pakistan, Papua New Guinea, Philippines, Qatar, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

41. Before the adoption of the draft resolution, statements were made by the representatives of the Democratic Republic of the Congo and Rwanda; after the adoption of the draft resolution, a statement was made by the representative of the Democratic Republic of the Congo (see A/C.3/55/SR.55).

42. Before the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Uganda, Burundi and Rwanda; after the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Bangladesh and the Sudan (see A/C.3/55/SR.55).

G. Draft resolution A/C.3/55/L.64

43. At the 52nd meeting, on 8 November, the representative of Venezuela, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Honduras, Ireland, Italy, Japan, Monaco, the

Netherlands, Norway, Paraguay, Peru, Portugal, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela, introduced a draft resolution entitled "Situation of human rights in Haiti" (A/C.3/55/L.64). Subsequently, Hungary, Luxembourg, Malta, Nicaragua, Panama, Romania and Togo joined in sponsoring the draft resolution.

44. In introducing the draft resolution, the representative of Venezuela orally revised it by replacing the seventh preambular paragraph, which read:

> "*Noting* the establishment of the International Civilian Support Mission in Haiti with a mandate to promote and protect human rights, to reinforce the institutional effectiveness of the police and the judiciary, and to coordinate the international community's dialogue with political and social actors in Haiti",

by the following:

> "*Noting* the establishment of the International Civilian Support Mission in Haiti with the mandate to support the democratization process and assist the Haitian authorities with the development of democratic institutions; to assist the Haitian authorities in the reform and the strengthening of the Haitian system of justice, including its penal institutions, and to promote the Office of the Ombudsman; to support the efforts of the Government of Haiti to professionalize the Haitian National Police through a special training and technical assistance programme and to help the Government to coordinate bilateral and multilateral aid in this area; to support the efforts of the Government of Haiti aimed at the full observance of human rights and fundamental freedoms; and to provide technical assistance for the organization of democratic elections and to collaborate with the Government of Haiti in the coordination of bilateral and multilateral assistance".

45. At its 55th meeting, on 10 November, the Committee adopted draft resolution A/C.3/55/L.64, as orally revised, without a vote (see para. 49, draft resolution VII).

46. Before the adoption of the draft resolution, a statement was made by the representative of Haiti; after the adoption of the draft resolution, a statement was made by the representative of the Dominican Republic (see A/C.3/55/SR.55).

H. Draft resolution A/C.3/55/L.65

47. At its 53rd meeting, on 9 November, the Committee had before it a draft resolution entitled "Question of human rights in Afghanistan" (A/C.3/55/L.65), submitted by the Chairperson on the basis of informal consultations.

48. At the same meeting, the Committee adopted draft resolution A/C.3/55/L.65 without a vote (see para. 49, draft resolution VIII).

III. Recommendations of the Third Committee

49. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government, and therefore expressing its grave concern that the Government of Myanmar has still not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling its resolution 54/186 of 17 December 1999 and Commission on Human Rights resolution 1992/58 of 3 March 1992,[3] in which the Commission, inter alia, decided to nominate a special rapporteur with a given mandate, and resolution 2000/23 of 18 April 2000,[4] in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Still gravely concerned at the deterioration of the human rights situation in Myanmar, especially at the unabated suppression of the exercise of political rights and freedom of thought, expression, association and movement in Myanmar, as reported by the Special Rapporteur, and deeply concerned that new restrictions have been placed on Aung San Suu Kyi and other members of the National League for Democracy,

Also gravely concerned that the legal system is effectively used as an instrument of oppression and at the increasing intimidation and detention of lawyers,

Recognizing that the systematic violations of civil, political, economic, social and cultural rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Noting with interest the two recent visits to Myanmar by the Special Envoy of the Secretary-General and the cooperation extended by the Government of Myanmar in that regard,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

[4] Ibid., *2000, Supplement No. 3* (E/2000/23).

who still has not been invited to Myanmar, despite assurances by the Government of Myanmar in 1999 that they would seriously consider a visit,

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[5] and calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

2. *Urges* the Government of Myanmar to cooperate fully and without further delay with the Special Rapporteur, and to allow him urgently, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, thus enabling him fully to discharge his mandate;

3. *Notes with satisfaction* the continuing cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit detainees in accordance with its modalities of work, and hopes that the programme will be pursued further;

4. *Deplores* the continuing violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, including the use of children, forced relocation, and denial of freedom of assembly, association, expression and movement, as reported by the Special Rapporteur;

5. *Expresses its grave concern* at the increasingly systematic policy of the Government of Myanmar to persecute the democratic opposition, National League for Democracy members, sympathizers and their families, and ethnic opposition parties, and at the use by the Government of intimidatory methods such as arbitrary arrest and detention and abuse of the legal system, including harsh long-term prison sentences, mass rallies and media campaigns, which have forced many to refrain from exercising their legitimate political rights;

6. *Urges* the Government of Myanmar to cease, without delay, all activities aimed at preventing the free exercise of internationally recognized human rights, including freedom of association, assembly, movement and speech, and in particular to remove all restrictions on the freedom of movement of Aung San Suu Kyi and other members of the National League for Democracy and on their freedom to communicate with the outside world;

7. *Strongly urges* the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, including journalists, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

8. *Expresses its concern* that the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and urges the Government of Myanmar to seek new and constructive ways to promote national reconciliation and to restore democracy, through, inter alia, the establishment of a time frame for action;

[5] A/55/359.

9. *Strongly urges* the Government of Myanmar, taking into account the assurances it has given on various occasions, to take all necessary steps towards the restoration of democracy, in accordance with the will of the people, as expressed in the democratic elections held in 1990 and, to that end, without delay, to engage in a substantive political dialogue with political leaders, including Aung San Suu Kyi, and representatives of ethnic groups and, in that context, notes the existence of the Committee representing the People's Parliament;

10. *Notes with grave concern* that the Government of Myanmar has failed to cease its widespread and systematic use of forced labour of its own people and to meet all three recommendations of the International Labour Organization on that issue; this failure has compelled the International Labour Organization strictly to limit further cooperation with the Government and has prompted the International Labour Conference to adopt, subject to certain conditions, a number of measures to secure compliance by the Government of Myanmar with the recommendations of the Commission of Inquiry established to examine the observance of the Forced Labour Convention, 1930, Convention No. 29, of the International Labour Organization;

11. *Notes* the recent visit by the technical cooperation mission of the International Labour Organization to Myanmar and the cooperation extended to the mission, while awaiting the result of the mission;

12. *Strongly urges* the Government of Myanmar fully to implement concrete legislative, executive and administrative measures to eradicate the practice of forced labour, in conformity with the relevant recommendations of the Commission of Inquiry;

13. *Welcomes* the reopening of most university courses, but remains concerned that the right to education continues to be a right that is exercised only by those willing to refrain from exercising their civil and political rights and concerned at the reduction in the length of the academic year, the division of the student population and its dispersal to distant campuses, and the lack of adequate resources;

14. *Deplores* the continuing violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, use of anti-personnel landmines, destruction of crops and fields, and dispossession of land and property, which deprives those persons of all means of subsistence and results in large-scale displacement of persons and flows of refugees to neighbouring countries, with negative effects for those countries, and an increasing number of internally displaced persons;

15. *Urges* the Government of Myanmar to end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration in conditions of safety and dignity, and to allow the safe and unhindered access of humanitarian personnel to assist in the return and reintegration process;

16. *Also deplores* the continuing violations of the human rights of women, especially women who are refugees, are internally displaced or belong to ethnic minorities or the political opposition, in particular forced labour, trafficking, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;[5]

17. *Strongly urges* the Government of Myanmar to implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women, and to carry out human rights education and gender-sensitization training, in particular for military personnel;

18. *Deplores* the recruitment of children as soldiers, in particular children belonging to ethnic minorities, and strongly urges the Government of Myanmar and all other parties to the hostilities in Myanmar to end the use of children as soldiers;

19. *Expresses its concern* at the growing incidence of HIV/AIDS infection, and urges the Government of Myanmar urgently to address this issue, which will have a serious long-term impact on the development of the Union of Myanmar, and to ensure that the health system receives sufficient funding to enable health workers to meet the right of all people to the highest possible standard of health care;

20. *Expresses its grave concern* at the high rates of malnutrition among pre-school-aged children, which constitute serious violations of their rights to adequate food and the highest attainable standard of health, and may have serious repercussions for the health and development of the affected children;

21. *Strongly urges* the Government of Myanmar to ensure full respect for all human rights and fundamental freedoms, including economic and social rights, and to fulfil its obligation to restore the independence of the judiciary and due process and to end the impunity of and bring to justice any perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

22. *Welcomes* the report of the Secretary-General on the visit of his Special Envoy to Myanmar,[6] endorses the appeal of the Special Envoy for the initiation of a process of dialogue that would lead to national reconciliation, and supports his efforts to achieve such a dialogue;

23. *Requests* the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, to submit additional reports to the General Assembly during its fifty-fifth session on the progress of those discussions, and to report to the Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-seventh session on the progress made in the implementation of the present resolution;

24. *Decides* to continue its consideration of this question at its fifty-sixth session.

[6] A/55/509.

Draft resolution II
Situation of human rights in parts of South-eastern Europe

The General Assembly,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 2000/26 of 18 April 2000,[7] and all Security Council resolutions and statements,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[8] the International Covenants on Human Rights[9] and other human rights instruments, the 1951 Convention relating to the Status of Refugees,[10] the Geneva Conventions of 12 August 1949 for the protection of victims of war[11] and the Additional Protocols thereto, of 1977,[12]

Taking note of the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[13] which, inter alia, committed the parties in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to respect human rights fully, in particular issues surrounding the return of refugees,

Expressing its support for the democratic forces and non-governmental organizations in the promotion and protection of human rights and in strengthening civil society, and noting in this regard the opportunities afforded by the Stability Pact for South-East Europe,

Welcoming the admission of the Federal Republic of Yugoslavia into the framework of the Stability Pact for South-East Europe at the extraordinary session of the Pact's Regional Table, held at Bucharest on 26 October 2000,

Noting the importance of the respect for the rights of all persons belonging to minorities,

Welcoming all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the Special Rapporteur of the Commission on Human Rights and other entities of the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the

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[7] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[8] General Assembly resolution 217 A (III).

[9] General Assembly resolution 2200 A (XXI), annex.

[10] United Nations, *Treaty Series*, vol. 189, No. 2545.

[11] Ibid., vol. 75, Nos. 970-973.

[12] Ibid., vol. 1125, Nos. 17512 and 17513.

[13] S/1995/999; see *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995*.

European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 2000,

Taking note of Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999, and the general principles annexed thereto, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at its fifty-fifth session,[14] Commission on Human Rights resolutions 1998/79 of 22 April 1998[15] and 1999/2 of 13 April 1999,[16] and the report of the United Nations High Commissioner for Human Rights of 27 September 1999 on the situation of human rights in Kosovo,[17]

Recalling its condemnation of the Serbian military offensive against the civilian population of Kosovo, which resulted in war crimes and gross violations of international human rights and international humanitarian law inflicted upon the Kosovars,

Condemning all violations of human rights in Kosovo, which have affected all ethnic groups in Kosovo, in particular the harassment and murders of ethnic Serb, Roma and other minorities of Kosovo by ethnic Albanian extremists,

Expressing concern that the entire population of Kosovo has been affected by the conflict there and its aftermath, and stressing that each of the national, ethnic, religious or linguistic minorities there must benefit from their full and equal rights, without discrimination,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the detention in Serbia of political prisoners of Kosovar Albanian or other origin, in violation of international human rights law and standards, but welcoming the pledge of authorities there to abide by international norms in carrying out judicial procedures in this and all other areas of judicial responsibility,

1. *Reiterates its call* for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement")[13] by all parties;

2. *Stresses* the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of all parties under the Peace Agreement to comply with international human rights law and to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms, including the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, freedom of expression, freedom of association, including with respect to political parties, freedom of religion and freedom of movement;

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[14] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. III, sect. E, para. 28.

[15] Ibid., chap. II, sect. A.

[16] Ibid., *1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[17] E/CN.4/2000/10.

3. *Also stresses* the need for enhanced international efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and with dignity;

4. *Condemns* the growing problem of trafficking in women in the region, and calls upon all concerned authorities to combat actively this criminal practice;

5. *Urges* all States and parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal those indicted persons present in their territories or under their control;

6. *Notes* that varying degrees of progress have been made in the human rights situation in all States and by all parties to the Peace Agreement, but that substantial efforts remain to be made in several areas;

7. *Reiterates its call upon* all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in developing civilian structures;

8. *Notes* the progress made by Bosnia and Herzegovina in the implementation of the Peace Agreement;

9. *Also notes* the progress made with regard to refugee returns in Bosnia and Herzegovina, while calling upon all authorities actively to support the return process for minority refugees and internally displaced persons, inter alia, through the eviction of illegal occupants of housing intended for internally displaced persons and refugees, particularly in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation of Bosnia and Herzegovina with a majority population of Bosnian Croats;

10. *Welcomes* the "Constituent Peoples" decision of the Constitutional Court of Bosnia and Herzegovina, which reflects the commitment of Bosnia and Herzegovina to meeting the highest standards of human rights and fundamental freedoms;

11. *Condemns* the harassment of returning minority refugees and internally displaced persons in Bosnia and Herzegovina, including the destruction of their homes, particularly in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation with a majority population of Bosnian Croats;

12. *Also condemns* recurrent instances of religious discrimination and the denial to religious minorities of their right to rebuild religious sites in Bosnia and Herzegovina, in particular in the territory of the Republika Srpska;

13. *Further condemns* the manipulation of the press by political parties and government officials, including the selective application of slander and tax laws to harass journalists and editors;

14. *Calls upon* all authorities in Bosnia and Herzegovina, particularly those within the Republika Srpska, to cooperate fully with the International Tribunal for the Former Yugoslavia;

15. *Calls upon* the authorities of Bosnia and Herzegovina, including those of the Republika Srpska and the Federation:

(a) To implement the decisions of the High Representative and to fulfil their obligations under the Peace Agreement and the declarations of the Peace Implementation Council;

(b) To implement the decisions of the Commission on Human Rights on Bosnia and Herzegovina, the Office of the Human Rights Ombudsman and the Human Rights Chamber, and the decisions of the Commission for Real Property Claims of Displaced Persons and Refugees;

(c) To establish a fully staffed and funded judiciary which effectively protects the rights of all citizens;

(d) To adopt an effective and fair election law, in cooperation with the Organization for Security and Cooperation in Europe;

(e) To implement fully all the provisions of the New York Declaration adopted on 14 November 1999;[18]

(f) To support the work of the common institutions and fully implement the actions mandated by the Peace Implementation Council at its ministerial meeting held at Brussels on 23 and 24 May 2000;

16. *Welcomes* the political change following the recent elections in the Federal Republic of Yugoslavia, which shows the clear decision of the people to choose democracy, respect for human rights and integration into the international community over dictatorship and isolation, and looks forward to the new authorities' ensuring respect for the rule of law and for the promotion and protection of human rights;

17. *Also welcomes* the admission of the Federal Republic of Yugoslavia to membership in the United Nations;

18. *Further welcomes* the commitment of and encourages efforts by the new democratic authorities of the Federal Republic of Yugoslavia to investigate past abuses of human rights, including violations of the human rights of ethnic groups in Kosovo, the repression and harassment of peaceful political activists, illegal and/or hidden detentions, and other violations of human rights and fundamental freedoms;

19. *Welcomes* the appointment by the United Nations High Commissioner for Human Rights of the Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia, and calls upon all authorities to cooperate with the Special Envoy;

20. *Also welcomes* the commitment of the new democratic authorities of the Federal Republic of Yugoslavia to promoting and protecting free and independent media, and looks forward to welcoming the repeal of any laws that hinder the full

[18] S/1999/1179, annex.

and free exercise of human rights and fundamental freedoms in the Federal Republic of Yugoslavia;

21. *Calls upon* all authorities of the Federal Republic of Yugoslavia to respect the rights of all persons belonging to any of its national or ethnic, religious and linguistic minorities;

22. *Welcomes* the commitment by the Federal Republic of Yugoslavia to implement fully and in good faith its obligations under the Peace Agreement and to abide by the terms of Security Council resolution 1244 (1999), and calls upon the Federal Republic of Yugoslavia to cooperate with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons, to protect them, and to assist their voluntary return to their homes in safety and with dignity;

23. *Encourages* States to consider providing additional voluntary contributions to support the new democratic authorities so that they may meet the pressing human rights and humanitarian needs in the area;

24. *Calls upon* the authorities of the Federal Republic of Yugoslavia to comply with their obligations to cooperate fully with the International Tribunal for the Former Yugoslavia, and welcomes the announced reopening of the Office of the International Tribunal in Belgrade and the pledge of the authorities of the Federal Republic of Yugoslavia to cooperate with it;

25. *Underlines* the obligation of the authorities of the Federal Republic of Yugoslavia to abide by the terms of Security Council resolution 1244 (1999) and the general principles on the political solution to the Kosovo crisis adopted on 6 May 1999 and annexed to that resolution;

26. *Reaffirms* that the human rights and humanitarian situation in Kosovo shall be addressed within the framework of a political solution based and built upon the general principles set out in and annexed to Security Council resolution 1244 (1999);

27. *Welcomes* the efforts of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia to cooperate fully with the Mission and the Kosovo Force in the fulfilment of their respective mandates;

28. *Encourages* States to consider providing additional voluntary contributions to support the Interim Administration Mission in meeting the pressing administrative, human rights and humanitarian needs in the area;

29. *Welcomes* the work in Kosovo of the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees and the efforts of the Organization for Security and Cooperation in Europe;

30. *Recognizes* the strong efforts of the Interim Administration Mission, the United Nations civilian police and the Kosovo Police Service in developing and training the core of a multi-ethnic local police force throughout Kosovo;

31. *Calls upon* all parties in Kosovo to cooperate with the Interim Administration Mission to ensure full respect for all human rights and fundamental freedoms and democratic norms in Kosovo;

32. *Urges* all parties in Kosovo to support and strengthen a multi-ethnic society in Kosovo that respects the rights of all persons belonging to minorities and that includes them in all provisional and new civil administration institutions in Kosovo, and to fully support the Interim Administration Mission in this regard;

33. *Welcomes* the recent holding of peaceful municipal elections in Kosovo, which is a landmark in the democratic development of Kosovo and in the implementation of Security Council resolution 1244 (1999), and commends in this regard the support by all parties of the efforts of the Interim Administration Mission;

34. *Commends* the Interim Administration Mission for its efforts to create an independent and impartial judiciary system in Kosovo, and urges all local Serb and Albanian leaders, and the leaders of other minorities in Kosovo, to take all steps necessary to support these efforts;

35. *Calls upon* all local Kosovar officials, ethnic representatives and all individuals to respect the right to freedom of opinion and expression for all points of view, the right to a free, independent media and the right to freedom of religion;

36. *Calls upon* the authorities in the Federal Republic of Yugoslavia, and the representatives of all ethnic groups in Kosovo, to condemn all acts of terrorism, forced evictions from homes or places of work of any resident of Kosovo, whatever the ethnic background of the victim and whoever the perpetrators, to refrain from all acts of violence and to use their influence and leadership to bring all parties to cooperate fully with the Kosovo Force and the Interim Administration Mission in stopping these incidents and in bringing the perpetrators to justice;

37. *Stresses* the importance of the return of refugees and of all displaced persons, whatever their ethnic background, and expresses its concern about reports of continuing harassment or other impediments in this regard;

38. *Also stresses* the importance for, and the responsibility of, all parties in Kosovo to suppress all harassment of individuals or groups of any background and to create a secure environment that will offer to all those who wish to remain in Kosovo, irrespective of ethnic origin, a genuine possibility of doing so;

39. *Further stresses* the urgent need for all ethnic groups to cooperate with the Interim Administration Mission and the Kosovo Force to rebuild and strengthen common institutions for all and to desist from creating any sort of parallel institutions;

40. *Calls upon* the authorities of the Federal Republic of Yugoslavia to release those persons detained and transferred from Kosovo to other parts of the Federal Republic of Yugoslavia, or to specify the charge under which each individual is detained and to afford them due process of law, and to guarantee their families and non-governmental organizations and international observers unimpeded and regular access to those who remain in detention, and, in this regard, welcomes as a first important step the release of the prominent human rights activist, Flora Brovina, and the release of twenty-three additional detainees;

41. *Calls upon* the authorities of the Federal Republic of Yugoslavia, and all local Kosovo ethnic Serb and Albanian leaders, to provide information on the fate and whereabouts of the high number of missing persons from Kosovo, and encourages the International Committee of the Red Cross, in this regard, to continue its clarification efforts, in cooperation with other organizations;

42. *Expresses its concern* about the forced ethnic division of any part of Kosovo as counter to Security Council resolution 1244 (1999) and to the guiding principles of the Rambouillet accords,[19] and stresses the need for all parties in Kosovo to take all necessary measures to prevent or reverse any action that de facto or de jure permits such ethnic cantonization;

43. *Condemns* all trafficking in women by any party in Kosovo, and calls upon the local authorities and the Interim Administration Mission to take all steps necessary to prevent and stop it;

44. *Requests* the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to continue to monitor closely the situation of human rights in Kosovo, and to report his findings to the Commission at its fifty-seventh session and to the General Assembly at its fifty-sixth session;

45. *Decides* to continue its examination of this question at its fifty-sixth session under the item entitled "Human rights questions".

Draft resolution III
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[20] the International Covenants on Human Rights[21] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[21] the International Covenant on Economic, Social and Cultural Rights,[21] the International Convention on the Elimination of All Forms of Racial Discrimination[22] and the Convention on the Rights of the Child,[23]

Recalling its previous resolutions on the subject, the most recent of which is resolution 54/177 of 17 December 1999, and taking note of Commission on Human Rights resolution 2000/28 of 18 April 2000,[24]

1. *Welcomes*:

(a) The interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran;[25]

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[19] See S/1999/648, annex.
[20] Resolution 217 A (III).
[21] Resolution 2200 A (XXI), annex.
[22] Resolution 2106 A (XX), annex.
[23] Resolution 44/25, annex.
[24] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.
[25] A/55/363.

(b) The broad participation in the parliamentary elections held during February and March 2000, which expressed the true commitment of the Iranian people to the democratic process in the Islamic Republic of Iran;

(c) The commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention, and to reform the judicial and penitentiary system and bring it into line with international human rights standards in this field;

(d) The visit to the Islamic Republic of Iran of a technical cooperation needs assessment mission of the Office of the United Nations High Commissioner for Human Rights, and encourages the follow-up to that mission;

2. *Notes*:

(a) The provisions of the new code of penal procedure, which provide for the attendance of lawyers for all kinds of lawsuits, and the judiciary reform project, which aims, in particular, at re-establishing a distinction between the offices of the judge and the prosecutor;

(b) The legal changes recently put into effect within the Iranian judicial system by which members of religious minorities are no longer obliged to state their religion when applying for a marriage licence;

(c) Developments observed with regard to the status of women in areas such as education, training and health;

(d) The bill currently under consideration that aims at raising the age of marriage;

(e) The work of the Islamic Human Rights Commission on the human rights situation in the Islamic Republic of Iran and, in particular, its efforts to investigate illegal detentions and disappearances;

3. *Expresses its concern*:

(a) At the fact that, since 1996, no invitation has yet been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country;

(b) At the deterioration of the situation with regard to freedom of opinion and expression, in particular at restrictions on the freedom of the press, judiciary suspension of numerous newspapers, prohibition of publications and the arrest of journalists, political activists and intellectuals on the basis of laws related to national security, which are used as a pretext to deny or restrict freedom of expression, opinion and thought;

(c) At the continuing violations of human rights in the Islamic Republic of Iran, in particular executions, in the apparent absence of respect for internationally recognized safeguards, and cases of torture and other cruel, inhuman or degrading treatment or punishment;

(d) At the failure to comply fully with international standards in the administration of justice, the absence of guarantees of due process of law and the absence of respect for internationally recognized legal safeguards, inter alia with respect to persons belonging to religious minorities;

(e) At the discrimination against persons belonging to religious minorities, in particular the unabated pattern of persecution of the Baha'is, including the continuing detention and the sentencing to death of some of them;

(f) At the continuing discrimination in law and in practice against women, who still lack full and equal enjoyment of their human rights, as reported by the Special Representative;

4. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To invite the Special Rapporteur on religious intolerance to visit the country and to resume its full cooperation with him, in particular so that he may study the evolution of the human rights situation in the country, including through direct contacts with all sectors of society, and to make full use of technical cooperation programmes in the field of human rights;

(b) To give effect, in the near future, to its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran;

(c) To consolidate respect for human rights and the rule of law and to abide by its freely undertaken obligations under the International Covenants on Human Rights[21] and under other international human rights instruments;

(d) To make efforts to ensure the full application of due process of law and fair and transparent procedures by the judiciary and, in this context, to ensure the respect for the rights of the defence and the equity of the verdicts in all instances, including for members of religious minority groups;

(e) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the provisions of the International Covenant on Civil and Political Rights[21] and United Nations safeguards and to provide the Special Representative with relevant statistics on this matter;

(f) To accelerate the process of the investigation into the suspicious deaths and killings of intellectuals and political activists and to bring the alleged perpetrators to justice;

(g) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities;

(h) To implement fully the conclusions and recommendations of the Special Representative with regard to religious intolerance relating to the Baha'is and other minority religious groups[26] until they are completely emancipated;

(i) To take all necessary steps to end the use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation;

(j) To take further measures to promote full and equal enjoyment by women of their human rights;

5. *Decides* to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-sixth session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

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[26] Ibid., para. 110.

Draft resolution IV
Human rights situation in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[27] the International Covenants on Human Rights[28] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, other international human rights instruments and the Geneva Conventions of 12 August 1949 for the protection of victims of war,[29]

Recalling its previous resolutions and those of the Commission on Human Rights on the subject, and taking note of the most recent, Commission resolution 2000/17 of 18 April 2000,[30]

Recalling Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, Council resolutions 687 (1991) of 3 April 1991 and 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999 and 1302 (2000) of 8 June 2000, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, and Council resolution 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia raised the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievements in meeting the humanitarian needs of the Iraqi population, and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third-country nationals referred to in paragraph 30 of Council resolution 687 (1991),

Taking note of the concluding observations of the Human Rights Committee,[31] the Committee on the Elimination of Racial Discrimination,[32] the Committee on

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[27] Resolution 217 A (III).

[28] Resolution 2200 A (XXI), annex.

[29] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[30] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[31] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vol. I, paras. 90-111.

[32] Ibid., *Fifty-fourth Session, Supplement No. 18* (A/54/18), paras. 337-361.

Economic, Social and Cultural Rights,[33] and the Committee on the Rights of the Child[34] on the recent reports submitted to them by Iraq, in which these treaty-monitoring bodies point to a wide range of human rights problems and hold the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular children,

Taking note also of the reports of the Secretary-General concerning the implementation of Security Council resolutions 986 (1995),[35] 1111 (1997),[36] 1143 (1997),[37] 1175 (1998),[38] 1210 (1998),[39] 1242 (1999)[40] and 1302 (2000),[41]

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire humanitarian situation in Iraq, which particularly affects certain vulnerable groups, including children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[42] and the observations, conclusions and recommendations contained therein;

2. *Notes with dismay* that there has been no improvement in the situation of human rights in the country;

3. *Strongly condemns*:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(c) The repression faced by any kind of opposition, in particular the harassment and intimidation of, and threats against, Iraqi opponents living abroad and members of their families;

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[33] See *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22), paras. 245-283.

[34] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 41* (A/55/41), paras. 304-333.

[35] S/1996/1015; see *Official Records of the Security Council, Fifty-first Year, Supplement for October, November and December 1996*.

[36] S/1997/935.

[37] S/1998/90, S/1998/194 and Corr.1 and S/1998/477.

[38] S/1998/823 and S/1998/1100.

[39] S/1999/187 and S/1999/573 and Corr.2.

[40] S/1999/896 and Corr.1 and S/1999/1162 and Corr.1.

[41] S/2000/857.

[42] See A/55/294.

(d) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[28] and the United Nations safeguards;

(e) Summary and arbitrary executions, including political killings and the continuing so-called clean-out of prisons, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(f) Widespread, systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

4. *Calls upon* the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Rapporteur to visit the country and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To establish the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of the authority of the State;

(g) To ensure free exercise of political opposition and to prevent intimidation and repression of political opponents and their families;

(h) To respect the rights of all ethnic and religious groups and to cease immediately its repressive practices aimed at the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkuk and Khanaqin, and at the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, as well as to ensure the physical integrity of all citizens, including the Shi'a population, and to guarantee their freedoms;

(i) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and

third-country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose, to cooperate with the high-level coordinator of the Secretary-General for Kuwaitis and third-country nationals and Kuwaiti property, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees, and to issue death certificates for deceased prisoners of war and civilian detainees;

(j) To cooperate further with international aid agencies and non-governmental organizations in providing humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999), 1281 (1999) and 1302 (2000), and to cooperate, together with all concerned, in the implementation of the sections on humanitarian questions of Security Council resolution 1284 (1999), to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including the population in remote areas, of all humanitarian supplies purchased under the oil-for-humanitarian-goods programme, to address effectively the needs of vulnerable groups, including children, pregnant women, the disabled, the elderly and the mentally ill, among others, to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian assistance without the need to demonstrate that they have resided for six months at their places of temporary residence;

(l) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

5. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate, and decides to continue the examination of the situation of human rights in Iraq at its fifty-sixth session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

Draft resolution V
Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[43] the International Covenants

[43] Resolution 217 A (III).

on Human Rights[44] and other applicable human rights instruments and to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights,[44] the International Covenant on Economic, Social and Cultural Rights,[44] the Convention on the Rights of the Child,[45] the African Charter on Human and Peoples' Rights[46] and the Geneva Conventions of 12 August 1949,[47]

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2000/27 of 18 April 2000,[48]

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflicts,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in the southern Sudan within the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment to encourage respect for human rights in the Sudan,

Condemning the murder of four Sudanese relief workers in April 1999 while in the custody of the Sudanese People's Liberation Army/Movement (SPLA/M),

1. *Welcomes*:

(a) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;[49]

(b) The visit by the Special Rapporteur to the Sudan in February and March 2000 at the invitation of the Government of the Sudan and the very good cooperation extended by the Government in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur;

(c) The signing of the agreement of 29 March 2000 between the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights;

(d) The activities of the Committee for the Eradication of Abduction of Women and Children (CEAWC) as a constructive response on the part of the Government of the Sudan, the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(e) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

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[44] Resolution 2200 A (XXI), annex.

[45] Resolution 44/25, annex.

[46] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[47] Ibid., vol. 75, Nos. 970-973.

[48] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[49] A/55/374.

(f) Recent additional efforts by the Government of the Sudan to improve freedom of expression, association, the press and assembly, in particular the adoption of the Political Organization Act, 2000, and the announcement relating to the creation of a High Commission to review the Law on Public Order;

(g) The stipulation of basic human rights and freedoms in the Constitution of the Sudan and the establishment of the Constitutional Court, which has been in operation since April 1999;

(h) The efforts to implement the right to education;

(i) The renewed invitation extended by the Government of the Sudan to the Special Rapporteur on religious intolerance and the efforts of the Government of the Sudan to promulgate a new law on religious liberties and activities after an open and transparent process of consultation with high representatives of all religions;

(j) Leniency measures taken by the Government of the Sudan, which led to the release of a large number of imprisoned women;

(k) The release of political prisoners and the measures taken to allow the return of exiled opposition members;

(l) The recent shelter given by the Sudan to new groups of refugees;

(m) The commitments undertaken by SPLA/M during the visit to Rumbek, southern Sudan, of the Executive Director of the United Nations Children's Fund, not to recruit into its armed forces children under the age of eighteen, and to demobilize all child soldiers still remaining in the military and hand them over for reintegration to the competent civil authorities;

(n) The convening and the final communiqué of the fourth meeting of the Technical Committee on Humanitarian Assistance at Geneva on 2 and 3 November 2000, attended by delegations of the Government of the Sudan, SPLA/M and the United Nations;

(o) The repeated statements by the Government of the Sudan in favour of a global, lasting and effectively monitored ceasefire in the southern Sudan;

2. *Expresses its deep concern*:

(a) At the impact of the current armed conflict, worsened by the breaking down of the ceasefire in June 2000 and by the upsurge of armed confrontations, on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and continuing serious violations of human rights and international humanitarian law by all parties, in particular:

(i) The occurrence of cases of summary or arbitrary execution resulting from conflict between members of the armed forces and their allies and armed insurgent groups within the country, including SPLA/M;

(ii) The occurrence, within the framework of the conflict in the southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants, forced conscription, forced displacement of populations, arbitrary detention, torture and ill-treatment of civilians;

(iii) The abduction of women and children to be subjected to forced labour or similar conditions;

(iv) The indiscriminate aerial bombardments seriously and recurrently affecting civilian populations and installations, particularly bombings of schools and hospitals, as well as the use of civilian premises for military purposes;

(v) The use of weapons, including indiscriminate artillery shelling and landmines, against the civilian population;

(vi) The conditions imposed by SPLA/M on humanitarian organizations working in the southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with potentially grave consequences for the already endangered situation of thousands of people living in areas under its control;

(vii) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of harassment, indiscriminate aerial bombings and the reopening of hostilities;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Precarious conditions of detention, frequent use of torture, arbitrary detentions, interrogations, and violations of human rights by the security organs;

(ii) Acts of intimidation and harassment against the civilian population;

(iii) Restrictions on freedom of religion and remaining obstacles to the freedom of expression, association and peaceful assembly;

(iv) Information that not all means of avoiding the execution of severe, inhuman punishments have been fully utilized;

3. *Urges* all parties to the continuing conflict in the Sudan:

(a) To work immediately to put in place a global, lasting and effectively monitored ceasefire as a first necessary step to a negotiated settlement to the conflict;

(b) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(c) To stop immediately the use of weapons, including indiscriminate artillery shelling and the use of landmines, in particular by SPLA/M, against the civilian population, which runs counter to principles of international humanitarian law;

(d) To stop attacks on sites that usually have a significant presence of children and during the "days of tranquillity" which had been agreed for the purpose of ensuring peaceful polio vaccination campaigns;

(e) To stop immediately the use of civilian premises for military purposes, in particular by SPLA/M, particularly sites that usually have a significant presence of children;

(f) To grant full, safe and unhindered access to international agencies and humanitarian organizations so as to facilitate by all means possible the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in Bahr el-Ghazal, the Nuba Mountains, the Western Upper Nile and areas in need throughout the country, and to continue to cooperate in this regard with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan in the delivery of such assistance, and urges SPLA/M to resume negotiations as soon as possible with a view to the withdrawal of the conditions imposed on the work of international agencies and humanitarian organizations;

(g) In particular, urges SPLA/M not to misappropriate humanitarian assistance;

(h) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development, and, in this context, urges SPLA/M to commit itself to a permanent ceasefire;

(i) Not to use or recruit children under the age of eighteen as soldiers, and urges SPLA/M not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(j) To fulfil their commitments concerning the protection of children affected by war, including their commitments to cease the use of anti-personnel landmines, the abduction and exploitation of children and the recruitment of children by SPLA/M as soldiers, to advance the demobilization and reintegration of child soldiers, and to ensure access to displaced and unaccompanied minors;

(k) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in the custody of SPLA/M, and urges SPLA/M to return the bodies to their families;

4. *Calls upon* the Government of the Sudan:

(a) To comply fully with its obligations under the international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To strengthen its efforts to ensure the rule of law by bringing legislation into line with the Constitution and the effective practice of law enforcement;

(c) To continue its efforts to bring its national legislation into conformity with the applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to prevent and to end all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, to investigate all reported human rights violations, including acts of torture, brought to its attention and to prosecute those responsible for those violations;

(e) To seriously consider ratifying, as a matter of priority, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[50]

(f) To make sure that all means of avoiding the execution of severe, inhuman punishments are fully utilized;

(g) To reinforce the action taken to prevent and stop abductions of women and children within the framework of the conflict in the southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities and not cooperating with the efforts of CEAWC in addressing and preventing those activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures, in particular through CEAWC, with which all concerned have the responsibility and the duty to cooperate;

(h) To stop definitively the indiscriminate aerial bombardment of civilian and humanitarian targets, which runs counter to fundamental principles of human rights and humanitarian law;

(i) To make further efforts to effectively address the growing problem of internally displaced persons, whose number has increased, including ensuring their right to effective protection and assistance;

(j) To continue to implement its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(k) To continue efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers;

(l) To implement the Standard Minimum Rules for the Treatment of Prisoners[51] and to raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

5. *Encourages* the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights on the basis of the agreement of 29 March 2000 between the Government and the High Commissioner, with a view to establishing a permanent representation of the High Commissioner;

6. *Encourages* the Office of the High Commissioner to continue to take into consideration requests for assistance by the Government of the Sudan, inter alia, with a view to establishing a permanent representation of the High Commissioner as a matter of priority;

7. *Calls upon* the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

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[50] Resolution 39/46, annex.

[51] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.

8. *Decides* to continue its consideration of the situation of human rights in the Sudan at its fifty-sixth session, under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.

Draft resolution VI
Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[52] the International Covenants on Human Rights[53] and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[53] the International Covenant on Economic, Social and Cultural Rights,[53] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[54] the Convention on the Elimination of All Forms of Discrimination against Women,[55] the Geneva Conventions of 12 August 1949 for the protection of victims of war,[56] the International Convention on the Elimination of All Forms of Racial Discrimination[57] and the Convention on the Rights of the Child,[58] as well as the African Charter on Human and Peoples' Rights,[59]

Recalling its previous resolutions on this subject, including the most recent, resolution 54/179 of 17 December 1999, taking note of Commission on Human Rights resolution 2000/15 of 18 April 2000[60] and Security Council resolution 1304 (2000) of 16 June 2000, and mindful of previous resolutions and statements of the Security Council on the subject,

Recalling the Lusaka Ceasefire Agreement[61] and the Kampala disengagement plan,[62] the obligations of all signatories to those agreements and the obligations deriving from Security Council resolution 1304 (2000),

Taking note of the outcome of the Extraordinary Summit of the Heads of State or Government of the Southern African Development Community, held at Maputo

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[52] Resolution 217 A (III).
[53] Resolution 2200 A (XXI), annex.
[54] Resolution 39/46, annex.
[55] Resolution 34/180, annex.
[56] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[57] Resolution 2106 A (XX), annex.
[58] Resolution 44/25, annex.
[59] United Nations, *Treaty Series*, vol. 1520, No. 26363.
[60] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/2000/23), chap. II, sect. A.
[61] S/1999/815, annex.
[62] See S/2000/330 and Corr.1, paras. 21-28.

on 16 January 2000[63] and of the holding of the summit meeting of the Heads of State of Central Africa at Kinshasa on 27 October 2000,[64]

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by all parties to the conflict, as mentioned in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo,[65] including acts of and incitement to ethnic hatred and violence,

Recognizing that the promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the environment necessary for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights, and stressing the importance of technical cooperation with a view to strengthening regional cooperation for the promotion and protection of human rights,

Recalling the decision of the Commission on Human Rights to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, and encouraging the mission to start its work as soon as possible, with the cooperation of the Government and all other parties concerned,

Encouraging the Government of the Democratic Republic of the Congo to fulfil its earlier commitments, including to the United Nations High Commissioner for Human Rights, to restore and reform the judicial system, in accordance with the relevant international conventions, and noting, in this regard, the Government's declared intention to progressively abolish the death penalty and to put an end to the trying of civilians by the Military Court,

1. *Welcomes*:

(a) The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;[65]

(b) The visit made to the country by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo at the invitation of the Government and the cooperation of the Government and of all Congolese parties to the Lusaka Ceasefire Agreement[61] in this regard;

(c) The visit made to the country by the United Nations High Commissioner for Human Rights from 30 September to 2 October 2000;

(d) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, and encourages the Government to continue to work in close cooperation with it;

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[63] S/2000/36, annex.
[64] See S/2000/1050.
[65] A/55/403.

(e) The efforts of the Ministry of Human Rights of the Democratic Republic of the Congo to improve the human rights situation in the country, and, in particular, the adoption in December 1999, in concert with non-governmental organizations, of the National Action Plan on the Promotion and Protection of Human Rights;

(f) The general amnesty ordered by President Kabila on 19 February 2000, as a timely and significant step towards reconciliation and towards preparation for the inter-Congolese dialogue called for in the Lusaka Ceasefire Agreement, but deplores the fact that many other political prisoners continue to be detained and the arrests made since that date;

(g) The commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations agencies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers, and the holding at Kinshasa, in December 1999, in cooperation with the United Nations Children's Fund, of the Forum on the Demobilization of Child Soldiers and the Protection of Human Rights, measures of demobilization of children taken by the Government and by the Congolese Rally for Democracy, and encourages other parties to the conflict to do the same;

(h) The repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin, but regrets, however, that the Government was apparently unable to provide adequate protection in the first place;

(i) The release of prisoners of war, and calls for the acceleration of exchanges of prisoners;

(j) The decision of the Security Council in its resolution 1291 (2000) of 24 February 2000 to authorize the expansion of the United Nations Organization Mission in the Democratic Republic of the Congo;

(k) The work of the special envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo;

(l) The appointment by the Secretary-General of a special representative for the Democratic Republic of the Congo;

2. *Expresses its concern*:

(a) At the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(b) At the continuing violations of the Lusaka Ceasefire Agreement and the continuing use of hate speech;

(c) At the preoccupying situation of human rights in the Democratic Republic of the Congo, in particular in the eastern part of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, and, with that in view, condemns:

(i) The massacres of civilians perpetrated in the course of the conflict, which constitute a disproportionate response to attacks, in particular those occurring

recently on the Lisenda-8 road and at Katogata, Kamanyola, Lurbarika, Luberezi, Ngenge, Kalehe, Kilambo, Cidaho, Uvira, Shabunda and Lusenda-Lumumba;

(ii) The fighting in Kisangani between Ugandan and Rwandan forces, most recently in May and June 2000, which resulted in many civilian victims;

(iii) The bombings of the hospital at Libenge and at Gemena and elsewhere, which affected civilian populations;

(iv) The conflicts between the Hema and Lendu ethnic groups in the eastern province, where thousands of Congolese have already been killed;

(v) The occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians and human rights defenders, reports of sexual violence against women and children, and the continuing recruitment and use of child soldiers, as well as, in the eastern part of the country in particular, reprisals against people who have cooperated with the United Nations mechanisms;

(vi) The trying of civilians and the imposition of the death penalty by the Military Court;

(d) At the excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(e) At the breaches of fundamental freedoms, such as the freedom of expression, opinion, association and assembly, in the whole territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(f) At the acts of intimidation against representatives of the Churches and civil society, throughout the Congolese territory, as well as the killings of those persons in the eastern part of the country;

(g) At the severe insecurity, which minimizes the ability of humanitarian organizations to secure access to affected populations;

(h) At reports of the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To implement fully the provisions of the Lusaka Ceasefire Agreement and to facilitate the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout the territory, as agreed in the inter-Congolese political negotiations provided for in the Lusaka Ceasefire Agreement, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of the Congolese in an all-inclusive process of political dialogue, with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;

(b) To cease all military activity in the Democratic Republic of the Congo, which breaches the ceasefire provided for in the Lusaka Ceasefire Agreement and the Kampala disengagement plan;

(c) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war[56] and the Additional Protocols thereto, of 1977,[66] the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907,[67] the Convention on the Prevention and Punishment of the Crime of Genocide[68] and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

(d) To cease all forms of repression against people exercising their fundamental freedoms;

(e) To establish the conditions necessary for the safe and speedy deployment of the United Nations Organization Mission in the Democratic Republic of the Congo;

(f) To ensure the safety, security and freedom of movement of United Nations and associated personnel and humanitarian personnel within the Democratic Republic of the Congo, and, in this regard, to ensure safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(g) To put an immediate end to the use of child soldiers, which is in contravention of international human rights standards, and to demobilize them;

(h) To define and implement all necessary measures to create conditions conducive to the voluntary return, in safety and with dignity, of all refugees and displaced persons and to ensure their protection and fair and lawful treatment;

4. *Calls upon* the Government of the Democratic Republic of the Congo:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory;

(b) To fulfil its responsibility to ensure the full protection of the human rights of the population in its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its border;

(c) To fulfil its commitment to reform and restore the judicial system, and, in particular, to reform military justice, and to stop using it to try civilians, in conformity with the provisions of the International Covenant on Civil and Political Rights;[53]

(d) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly;

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[56] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[67] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[68] Resolution 260 A (III).

(e) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, including by strengthening cooperation with civil society, including all human rights organizations;

(f) To implement fully its commitment to the democratization process, in particular the national dialogue, as stipulated in the Lusaka Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people in the country, including by lifting restrictions on political parties and their activities and ensuring political pluralism, in order to lead the way for the holding of democratic, free and fair elections;

(g) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(h) To cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

(i) To work closely and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(j) To implement fully its commitment to cooperate with United Nations agencies and non-governmental organizations in ensuring the demobilization, rehabilitation and reintegration of child soldiers;

5. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-sixth session.

Draft resolution VII
Situation of human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[69] and the International Covenants on Human Rights[70] and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[71]

[69] Resolution 217 A (III).
[70] Resolution 2200 A (XXI), annex.
[71] Resolution 34/180, annex.

Recalling its resolution 54/187 of 17 December 1999 and taking note of Commission on Human Rights resolution 2000/78 of 26 April 2000[72] and Economic and Social Council decision 2000/277 of 28 July 2000,

Taking note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Adama Dieng,[73]

Bearing in mind the report of the Secretary-General on the International Civilian Support Mission in Haiti,[74] and considering the statement of the President of the Security Council of 15 March 2000,[75]

Taking note of the report on the visit to Haiti of the Special Rapporteur on violence against women, its causes and consequences,[76] and encouraging the Government of Haiti to actively follow up the recommendations contained therein,

Recognizing the interdependent relations and mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Noting the establishment of the International Civilian Support Mission in Haiti with the mandate to support the democratization process and assist the Haitian authorities with the development of democratic institutions; to assist the Haitian authorities in the reform and the strengthening of the Haitian system of justice, including its penal institutions, and to promote the Office of the Ombudsman; to support the efforts of the Government of Haiti to professionalize the Haitian National Police through a special training and technical assistance programme and to help the Government to coordinate bilateral and multilateral aid in this area; to support the efforts of the Government of Haiti aimed at the full observance of human rights and fundamental freedoms; and to provide technical assistance for the organization of democratic elections and to collaborate with the Government of Haiti in the coordination of bilateral and multilateral assistance,

Commending the work of the Organization of American States in Haiti, in particular its efforts to promote a dialogue among Haitian political actors and civil society groups following the legislative elections held on 21 May 2000,

Expressing concern at the fact that no solution has yet been found with regard to the deficiencies of the elections of 21 May 2000, most notably those identified by national and international observers and by the electoral observation mission of the Organization of American States,

Underlining the importance of the legitimate election of parliament for the institution of democracy, for the rule of law and for the progress of civil, political, social, economic and cultural rights in favour of all Haitians,

Noting with satisfaction the efforts made by the Haitian authorities in the fight against impunity, which resulted in the convictions of the police officers responsible

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[72] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[73] See A/55/335.

[74] A/55/154.

[75] S/PRST/2000/8.

[76] E/CN.4/2000/68/Add.3.

for the Carrefour Feuilles massacre and the opening of the trial relating to the Raboteau massacre,

Deploring the increasing difficulties met by the press in expressing itself freely since the serious incidents of April 2000,

Recalling the statements made by the Haitian authorities to the effect that the Government remains committed to upholding human rights and encouraging further actions to improve the promotion, defence and guarantee of those rights,

Underlining the need for the Provisional Electoral Council to be fully representative of the Haitian political scene, including the opposition, impartial, neutral and effective in the preparations for, and during, the forthcoming presidential and senatorial elections,

1. *Expresses its gratitude* to the Secretary-General, his Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. *Commends* the United Nations Civilian Police Mission in Haiti for its training and supervising of the Haitian National Police, and the International Civilian Mission in Haiti for monitoring the situation of human rights and its activities in support of democratic institutions, the mandates of which Missions concluded on 15 March 2000, opening the way for the International Civilian Support Mission in Haiti, with its mandate to consolidate and build on the results obtained in this regard;

3. *Stresses* the need for the Haitian National Police to continue to undertake more effective efforts to improve its performance through, inter alia, technical assistance, training and education, in order to function efficiently, within a framework of respect for human rights, to curb the alarming increase in insecurity in the country;

4. *Renews its invitation* to the Government of Haiti to ratify, as soon as possible, the International Covenant on Economic, Social and Cultural Rights,[70] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[77] and the Optional Protocols to the International Covenant on Civil and Political Rights;[78]

5. *Requests* all interested Governments to make available to the Government of Haiti information and documentation to enable it to prosecute the perpetrators of human rights violations, in order to reinforce the efforts already made by the Haitian authorities to fight against impunity and to facilitate the reconciliation process;

6. *Calls upon* the Government of Haiti to continue structural reforms in the police and the judicial system and the improvement of the prison sector, to investigate properly politically motivated crimes and to prosecute the perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions and the

[77] Resolution 39/46, annex.

[78] See resolutions 2200 A (XXI), annex, and 44/128, annex.

detentions by authorities of individuals in violation of court orders for their release, and to ensure due process, including reasonable timeframes;

7. *Reaffirms* the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of investigations undertaken by the National Commission for Truth and Justice, and encourages the Government of Haiti to continue legal proceedings against perpetrators of human rights violations identified by the National Commission and to create effective facilities for providing support to the victims, in particular women, children and members of their families;

8. *Welcomes* the decision of the Permanent Council of the Organization of American States to the effect that that Organization, acting in conjunction with the Caribbean Community and other political actors and civil society groups, should give support to the Government of Haiti and all other actors involved in order to identify, as soon as possible, any options and make recommendations for resolving the difficulties resulting from the conflicting interpretations of the electoral law, and expresses the hope that that will result in concrete corrective actions by the Government of Haiti and other authorities and continue to strengthen the democratic process in that country;

9. *Notes with interest* the forthcoming presidential elections and elections for the renewal of one third of the Senate, and urges the Government of Haiti and other authorities to ensure the necessary guarantees for holding those elections in a transparent, secure and credible environment in agreement with Haiti's political actors and civil society groups, inter alia by restoring the credibility of the Provisional Electoral Council, and through a true dialogue, with the support of the international community including the Organization of American States;

10. *Recalls with appreciation* the initiative of the Government of Haiti, in collaboration with the international community and women's groups, to adopt measures to promote the human rights of women and to fight against the violence of which they are victims, through the training of judicial staff and the dissemination of information on women's rights at all levels of the educational system, and encourages Haiti to continue these efforts;

11. *Encourages* the Government of Haiti further to promote the rights of children, in particular their right to education;

12. *Invites* the international community, including the Bretton Woods institutions, to consider, when conditions permit, continuing their involvement in the reconstruction and development of Haiti;

13. *Encourages* the Government of Haiti to contribute to the strengthening of the Office for the Protection of Citizens, inter alia through regional representation as appropriate, incorporating a gender perspective, and through the establishment of a programme of technical cooperation, in close collaboration and with the assistance of the Office of the United Nations High Commissioner for Human Rights and the International Civilian Support Mission in Haiti;

14. *Decides* to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-sixth session.

Draft resolution VIII
Question of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[79] the International Covenants on Human Rights[80] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[81] and the Additional Protocols thereto, of 1977,[82]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[83] the International Covenant on Civil and Political Rights,[80] the International Covenant on Economic, Social and Cultural Rights,[80] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[84] the Convention on the Rights of the Child[85] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War[86] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[87]

Recalling also all its relevant resolutions, as well as the resolutions and statements of the Security Council, the decisions of the Economic and Social Council, the resolutions and decisions of the Commission on Human Rights and the resolutions of the Commission on the Status of Women,

Recalling further that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Expressing deep concern at the lack of reconstruction in Afghanistan,

1. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[88] and of the conclusions and recommendations contained therein, and encourages the Special Rapporteur to continue to fulfil his mandate;

2. *Strongly condemns* the mass killing and the systematic human rights violations perpetrated against civilians and prisoners of war, including in the areas of Mazar-e Sharif and Bamian, and notes with alarm the resumption by the Taliban

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[79] Resolution 217 A (III).
[80] Resolution 2200 A (XXI), annex.
[81] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[82] Ibid., vol. 1125, Nos. 17512 and 17513.
[83] Resolution 260 A (III).
[84] Resolution 39/46, annex.
[85] Resolution 44/25, annex.
[86] United Nations, *Treaty Series*, vol. 75, No. 973.
[87] Resolution 34/180, annex.
[88] See A/55/346.

of the wider conflict during the past summer, especially in the Taloqan area, resulting in the massive, forced displacement of the civilian population, in particular of women and children;

3. *Condemns* the widespread violations and abuses of human rights and international humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, the forced or compulsory recruitment of children for use in armed conflict and, in particular, the grave human rights violations committed against women and girls;

4. *Reiterates its condemnation* of the killings of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as of the attacks on and killings of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes with a view to bringing those responsible to justice;

5. *Notes with deep concern*:

(a) The persisting pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the complex nature of the conflict, including its ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, inter alia, on the grounds of ethnicity;

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran, Pakistan, Tajikistan and other countries;

(e) The deliberate destruction of life-sustaining activities;

(f) The substantial restrictions introduced by the Taliban authorities on the operations of the United Nations and the specialized agencies that provide assistance in Afghanistan, and notes the negative impact that these restrictions have on providing women, children, in particular girls, and other most vulnerable groups with assistance;

6. *Also notes with deep concern* the sharp deterioration of the humanitarian situation in many areas of Afghanistan, including the Shamali Plains, the Panjshir Valley and the north-east, and calls for the full implementation of the agreement on the security of United Nations personnel in Afghanistan;

7. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end immediately the supply of arms, ammunition, military equipment, including fuel for military purposes where identifiable, training or any other military support, including the provision of foreign military personnel, to all parties to the conflict;

8. *Stresses* the need for national reconciliation and for the establishment of the rule of law, good governance and democracy in Afghanistan and, concurrently, the need for extensive rehabilitation and reconstruction;

9. *Urges* all the Afghan parties:

(a) To respect fully all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(b) To cease hostilities immediately, to work and cooperate fully with the Personal Representative of the Secretary-General for Afghanistan and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire and to implement the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan of 19 July 1999,[89] thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and with dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise of the right to self-determination of the Afghan people;

(c) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;

(d) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to fulfil their duty to cooperate with the United Nations mine action programme and to protect its personnel, to prohibit conscripting or enlisting children or using them to participate in hostilities in violation of international law and to ensure the disarmament, demobilization and reintegration into society of children;

(e) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(f) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including detention of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;

10. *Demands* that all the Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religion with the United Nations and associated bodies and with other humanitarian organizations, agencies and non-governmental organizations;

11. *Urges* all the Afghan parties, in particular the Taliban, to bring to an end without delay all violations of the human rights of women and girls and to take urgent measures to ensure:

[89] A/54/174-S/1999/812, annex.

(a) The repeal of all legislative and other measures that discriminate against women and girls and those that impede the realization of all their human rights;

(b) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(c) Respect for the right of women to work and their reintegration into employment, including in the specialized agencies of the United Nations system and human rights organizations;

(d) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the equal right of women to security of person, and that those responsible for physical attacks on women are brought to justice;

(f) Respect for the freedom of movement of women;

(g) Respect for the effective and equal access of women and girls to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

12. *Takes note* of the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,[90] on her mission to Afghanistan;

13. *Urges* all Afghan parties to respect all international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[87] to bring to an end without delay all violations of the human rights of women and girls, to take urgent measures to ensure the respect of all fundamental freedoms and to respect international humanitarian law with regard to the conduct of hostilities;

14. *Notes with appreciation* the activities carried out by the International Committee of the Red Cross, as well as by non-governmental organizations, throughout the territory of Afghanistan;

15. *Recalls* its invitation extended to the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan, expresses deep regret for the lack of cooperation by Afghan parties, calls upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations, and, noting the summary of the report on the investigations,[91] expresses its deep regret to all the parties for the unsatisfactory results;

16. *Notes with grave concern* the recent reports of summary executions of prisoners in Taliban-held areas, which have been denied by the Taliban, in the north of Afghanistan, and calls upon the Taliban to cooperate with the Special Rapporteur in fully investigating these allegations;

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[90] E/CN.4/2000/68/Add.4.

[91] A/54/626, annex.

17. *Invites* the Secretary-General and the High Commissioner to ensure that the ongoing process of deployment of the civilian affairs observers in Afghanistan is completed as soon as possible and that gender issues and the rights of children are fully taken into account in their mission;

18. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to provide humanitarian assistance to all in need, and urges all Afghan parties to ensure free, safe and unhindered access to all humanitarian personnel, as part of an overall effort to achieve peace;

19. *Expresses its deep concern* at reports of attacks on and looting of cultural artefacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artefacts and to ensure their return to Afghanistan;

20. *Urges* all the Afghan parties to extend their cooperation to the Commission on Human Rights and to all those special rapporteurs who are seeking invitations, and, in particular, calls upon the Taliban to accommodate the forthcoming visit of the Special Rapporteur on the situation of human rights in Afghanistan;

21. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur;

22. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-sixth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.